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Counterclaimant Battens Plus, Inc.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

DIVERSI-PLAST PRODUCTS, INC., a
Minnesota Corporation,

Plaintiff,

v.

BATTENS PLUS, INC., a California
Corporation,

Defendant.

AND RELATED COUNTERCLAIMS

Case No. 2:04CV01005 PGC

**DECLARATION OF TED ANDERSON
IN SUPPORT OF DEFENDANT'S
MOTIONS FOR SUMMARY
JUDGMENT**

I, TED ANDERSON, declare as follows:

1. I am the President of Battens Plus, Inc. I make this declaration of my own personal knowledge. If called as a witness, I could and would competently testify as to each stated fact. This declaration is submitted in support of Battens Plus, Inc.'s Motions for Summary Judgment.

2. Battens Plus, Inc. has never made, used, sold, offered for sale, exported or imported a tile roof system comprising of a tile, an underlayment, and a batten.

3. Battens Plus' BattenUP batten is certified by ICC Evaluation Services, Inc. as compliant with all the relevant Building Codes.

4. Diversi-Plast does not make, sell, or offer to sell a batten certified by ICC Evaluation Services, Inc. as compliant with all the relevant Building Codes.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This declaration is executed on March 31, 2006 at Sacramento, California.


TED ANDERSON